

VERINATA HEALTH, INC., and
ILLUMINA, INC.,

Plaintiffs/
Counterclaim-Defendants,

v.

ARIOSIA DIAGNOSTICS, INC.,

Defendant/
Counterclaim-Plaintiff.

**JOINT STIPULATION OF DISMISSAL
AND ~~(PROPOSED)~~ ORDER**

1 WHEREAS, Verinata Health, Inc. and Illumina Inc. (collectively, “Plaintiffs”) asserted
2 claims of infringement of U.S. Patent Nos. 7,955,794 and 8,318,430 (collectively, “Patents-in-
3 Suit”) against Ariosa Diagnostics, Inc. and Roche Molecular Systems, Inc. (collectively,
4 “Defendants”) (Dkt. No. 349 (Civ. A. No. 12-cv-05501-SI); Dkt. No. 1 (Civ. A. No. 14-cv-01921-
5 SI); Dkt. No. 17 (Civ. A. No. 15-cv-02216-SI));

6 WHEREAS, Defendants asserted affirmative defenses, counterclaims for non-infringement
7 and invalidity of the Patents-in-Suit, and counterclaims for breach of contract and breach of the
8 covenant of good faith and fair dealing, against Plaintiffs (Dkt. No. 352 (Civ. A. No. 12-cv-05501-
9 SI); Dkt. No. 102-1 (Civ. A. No. 14-cv-01921-SI));

10 WHEREAS, this Court entered its Judgment on January 29, 2018 (Dkt. No. 642), and Order
11 re Post-Trial Motions on July 19, 2018 (Dkt. No. 705), as modified by the Order re Clarification on
12 October 4, 2018 (Dkt. No. 721) (collectively, “Judgment”));

13 WHEREAS, the United States Court of Appeals for the Federal Circuit issued its Opinion
14 and Judgment on April 24, 2020 (Dkt. Nos. 729 & 730), and issued its formal mandate on August
15 14, 2020 (Dkt. No. 736), wherein it affirmed this Court’s Judgment;

16 WHEREAS, Plaintiffs have pending motions for supplemental pre-verdict and post-verdict
17 royalties (Dkt. Nos. 742, 743-4); and

18 WHEREAS, Plaintiffs and Defendants have mutually agreed to a settlement of Plaintiffs’
19 and Defendants’ respective claims;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
21 Plaintiffs and Defendants, through their respective undersigned counsel, subject to the approval of
22 the Court, that

- 23 1. The Court’s Judgment against Defendants is deemed satisfied.
- 24 2. Plaintiffs’ pending motions for supplemental pre-verdict and post-verdict royalties
25 (Dkt. Nos. 742, 743-4) are withdrawn with prejudice.
- 26 3. Each party shall bear its own costs, expenses, and attorneys’ fees incurred with
27 respect to all claims, defenses, and counterclaims in this Action.
- 28

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

Dated: May 26, 2021

By: /s/ Edward R. Reines

Edward R. Reines

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Defendants*
VERINATA HEALTH, INC. and
ILLUMINA, INC.

IRELL & MANELLA LLP

Dated: May 26, 2021

By: /s/ Lisa S. Glasser

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*Attorney for Defendant/Counterclaim-
Plaintiff*
ARIOSIA DIAGNOSTICS, INC.

CERTIFICATION

I, Edward R. Reines, am the ECF User whose identification and password are being used to file this Joint Stipulation Of Dismissal With Prejudice and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Lisa S. Glasser has concurred in this filing.

/s/ Edward R. Reines

Edward R. Reines

SO ORDERED this 27th day of May 2021.



HONORABLE SUSAN Y. ILLSTON
UNITED STATES DISTRICT JUDGE